

Introduced by Senators Steinberg and Simitian

February 21, 2008

An act to add Section 49079.5 to the Education Code, relating to pupil data.

LEGISLATIVE COUNSEL'S DIGEST

SB 1425, as introduced, Steinberg. Pupil data.

Federal law requires schools and educational agencies receiving federal financial assistance to comply with specified provisions regarding the release of pupil data. State law prescribes additional rules relating to the authorized release of pupil data.

Under existing law, the State Department of Education is required to contract for the development of proposals to provide for the retention and analysis of longitudinal pupil achievement data on the tests administered pursuant to Standardized Testing and Reporting Program (STAR), the English language development tests, and the high school exit exam. Existing law provides that this longitudinal achievement data is known as the California Longitudinal Pupil Achievement Data System (CALPADS). Under existing law, CALPADS is required to be used to accomplish specified goals, including providing school districts and the department access to the data necessary to comply with federal reporting requirements, as specified, providing a better means of evaluating educational progress and investments over time, providing local educational agencies information that can be used to improve pupil achievement, and providing an efficient, flexible, and secure means of maintaining longitudinal statewide pupil data.

This bill would require the department, or any other entity that administers CALPADS, to the extent permissible under federal law, to conduct pupil data management. The bill would state the intent of the

Legislature to accomplish specified objectives related to these provisions, including, but not limited to, complying with all state and federal privacy regulations in order to protect pupil rights and privacy. The bill would authorize local educational agencies, to the extent permissible under federal law, to be provided access to CALPADS for the purpose of obtaining specified data. The bill would require the department to establish a Pupil Data Team to administer the data management of CALPADS. The bill would require the department, to the extent possible, to redirect department personnel for the Pupil Data Team rather than establishing new positions. The bill would require the department to establish an independent review board to review and respond to all requests for individually identifiable data. The department would be required to prepare regulations to fully implement the Pupil Data Team and independent review board, as specified. The bill would authorize the independent review board, to the extent permissible under state and federal law, to review requests from researchers for aggregate and individually identifiable data.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49079.5 is added to the Education Code,
2 to read:
3 49079.5. (a) The Legislature recognizes that a longitudinal
4 pupil data system could provide direct and tangible benefits to
5 pupils, educators, and policymakers. It is the intent of the
6 Legislature, in enacting this section, to accomplish the following:
7 (1) Comply with the federal Family Educational Rights and
8 Privacy Act (20 U.S.C. Sec. 1232g) and related regulations
9 (hereafter “act”), Section 1242h of Title 20 of the United States
10 Code, and related regulations in order to protect pupil rights and
11 privacy.
12 (2) Create an environment in which the department, or any other
13 entity that administers the California Longitudinal Pupil
14 Achievement Data System (CALPADS), and CALPADS, become
15 resources rather than burdens for local educational agencies.
16 (3) Promote a culture of continuous improvement through
17 informed decisionmaking at the classroom, school, district, state,
18 and policymaker level.

1 (4) Minimize the anticipated workload increase on the
2 department or on any other entity that administers CALPADS in
3 the future, that would be generated by an increased number of data
4 requests as CALPADS becomes accessible online, by establishing
5 clear guidance on data access and an efficient process for
6 responding to requests for access.

7 (b) To the extent permissible under the act, the department, or
8 any other entity that administers CALPADS, shall conduct data
9 management as authorized by the act.

10 (c) To the extent permissible under the act, local educational
11 agencies shall be provided access to CALPADS to obtain data
12 concerning pupils enrolled in their school or transferring to or from
13 their school.

14 (d) The department shall establish a Pupil Data Team to
15 administer the data management of CALPADS. The department,
16 to the extent possible, shall redirect department personnel for the
17 Pupil Data Team rather than establishing new positions.

18 (1) The department shall establish an independent review board
19 to review and respond to all requests for individually identifiable
20 data.

21 (2) The department shall commence preparations for the creation
22 of the Pupil Data Team at least one month before the CALPADS
23 pilot program is scheduled to begin.

24 (3) The department shall prepare regulations to fully implement
25 the Pupil Data Team and independent review board at least one
26 month before the CALPADS pilot program is scheduled to end.

27 (e) To the extent permissible under state law and the act, the
28 independent review board created pursuant to paragraph (1) of
29 subdivision (d) may review requests from researchers for aggregate
30 and individually identifiable data.